S.B.CIVIL WRIT PETITION NO.3286/2006

Bhawani Singh
v.
State of Rajasthan & Ors.

Date of Order :: 8th December, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.S.Bhati, for the petitioner.
Mr. Shyam Ladrecha, Additional Government Advocate.

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The respondents conducted selection proceedings in accordance with Rajasthan Police Subordinate Service Rules, 1989 (hereinafter referred to as "the Rules of 1989") for the purpose of making appointment by way of promotion against existing 16 posts of Head Constables. Out of 16 posts referred above four posts were to be filled in from among the members of Scheduled Castes and remaining 12 vacancies were to be filled in without application of any reservation. The petitioner also faced the selection proceedings, however, under an order dated 7.9.2006 the respondents selected 20 persons to undergo promotion cadre course that is the condition precedent under the Rules of 1989 for availing promotion. Out of 20 persons promoted under order dated 7.9.2006, 16 persons were promoted as a consequent to the selection proceedings referred above.

While giving challenge to the selections made under the order dated 7.9.2006 it is contended by the petitioner that the respondents have given one post in

excess to the member belonging to Scheduled Caste than the prescribed quota. It is averred that the respondents instead of four have given promotions to five persons belonging to the Scheduled Castes. It is also stated that the respondents have sent one Shri Raghuveer Singh to the promotion cadre course who is junior than the petitioner.

In reply to the writ petition it is stated by the respondents that not even a single person junior than the petitioner is sent to promotion cadre course. According to the respondents they have operated reservation only against four persons and the fifth person belonging to Scheduled Caste is sent to promotion cadre course on basis of his seniority and not by operation of reservation. It is also stated that Shri Raghuveer Singh is senior than the petitioner in final seniority list of constables working in District Pali.

Heard counsel for the parties.

In view of specific reply given by the respondents that they have operated reservation only against four vacancies and the fifth person belonging to Scheduled Caste is sent to promotion cadre course on basis of his seniority, the contention of the petitioner that reservation is applied in excess, is having no force. In view of factual position above, I

do not find any illegality in the order remitting five persons belonging to Scheduled Castes for promotion cadre course.

The allegation of the petitioner in the writ petition that Shri Raghuveer Singh is junior to him is also of no consequence in view of the fact that under the final seniority list declared by the respondents Shri Raghuveer Singh is shown senior than the petitioner. The seniority list wherein Shri Raghuveer Singh is made senior to the petitioner is not subject matter of present petition for writ.

Accordingly, this petition for writ is dismissed. However, it is open for the petitioner to challenge then seniority list, if he is having any grievance with regard to his placement therein vis-a-vis Shri Raghuveer Singh.

No order to costs.

(GOVIND MATHUR),J.

kkm/ps.